IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 308 OF 2005

COMMUNIDADE OF SERULA THROUGH ITS SPECIAL ATTORNEY ....Applicants

Versus

SPECIAL LAND ACQUISITION OFFICER(N) AND ANR., ...Respondents

Mr. S. Malyekar, Advocate For The Applicant.

Mr. M. S. Joshi, Addl. Govt. Advocate For The Respondents.

Coram:- A. P. LAVANDE &
N. A. BRITTO, JJ.

Date:- 3rd May, 2005

P.C.

Heard Shri Malyekar on behalf of the applicant and Shri Joshi on behalf of the respondents.

The respondents have filed an appeal against the Award of the reference Court dated 2.1.2004, enhancing compensation payable to the applicant from Rs.200/- awarded by the Land Acquisition Officer to Rs.555/- per sq. metre. The present application has been filed by the applicant for withdrawal of the entire amount of Rs.45,66,902/- with accrued interest which has been deposited by the respondents. It is submitted by Shri Malyekar that the amount is required by the applicant in order to pay "JONO" and "DERRMA" to the Jonoeiros and the Administrator of Communidades. Considering the facts of the case, we deem it proper to allow the applicant to withdraw an amount of Rs.23,00,000/-, with a condition that the applicant will give a Bank Guarantee in the said sum of any nationalised Bank and keep the same alive, till disposal of the first appeal No.70/04 and three months thereafter. In the event the respondents succeed in the appeal and the amount

ordered to be paid to the applicant is required to be refunded, the applicant will refund the same with intereset at the rate of 7 % p.a. The application allowed on the above terms.

A. P. LAVANDE, J.

N. A. BRITTO, J.